

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

STEVEN DEON TURNER, JR.,

Plaintiff,

v.

DAILO, *et al.*,

Defendants.

Case No. 1:20-cv-00864-BAM (PC)

ORDER REGARDING PLAINTIFF'S  
NOTICE OF VOLUNTARY DISMISSAL

(ECF No. 9)

Plaintiff Steven Deon Turner, Jr. ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On November 19, 2020, the Court screened Plaintiff's complaint and granted Plaintiff leave to file an amended complaint curing the deficiencies identified by the Court or to file a notice of voluntary dismissal. (ECF No. 8.) On December 3, 2020, Plaintiff filed the instant notice of voluntary dismissal. (ECF No. 9.) In his notice, Plaintiff requests that this case be dismissed. (*Id.*)

"[U]nder Rule 41(a)(1)(A)(i), a plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment." Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999) (quotation and citation omitted). "[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no action had been brought, the defendant

1 can't complain, and the district court lacks jurisdiction to do anything about it." Id. at 1078. No  
2 defendant has been served in this action and no defendant has filed an answer or motion for  
3 summary judgment.

4 Accordingly, this action is terminated by operation of law without further order from the  
5 Court. Fed. R. Civ. P. 41(a)(1)(A)(i). The Clerk of the Court is directed to terminate all pending  
6 motions and deadlines, and close this case.  
7 IT IS SO ORDERED.

8 Dated: December 7, 2020

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE